

**MINUTES OF THE
LAKE COUNTY PLANNING COMMISSION**
January 31, 2006

The Lake County Planning Commission hereby finds and determines that all formal actions were taken in an open meeting of this Planning Commission and that all the deliberations of the Planning Commission and its committees, if any, which resulted in formal actions, were taken in meetings open to the public in full compliance with applicable legal requirements, including Section 121.22 of the Ohio Revised Code.

Chairman Schaedlich called the meeting to order at 7:00 p.m.

ROLL CALL

The following members were present: Messrs. Adams, Aveni (alt. for Aufuldish), Brotzman, Fitzmaurice, Klco (alt. for Troy), Smith (alt. for Sines), Schaedlich, Siegel, Simon, and Mmes. Pesece and Hausch. Staff present: Messrs. Radachy, Webster, and Ms. Truesdell.

MINUTES

Mr. Simon moved and Ms. Hausch seconded the motion to approve the minutes of the December 20, 2005 meeting as corrected.

Ten voted "Aye".

Mr. Aveni and Mr. Simon abstained.

FINANCIAL REPORT

Mr. Siegel moved to approve the financial report for December, 2005 as submitted. Mr. Adams seconded the motion.

All voted "Aye".

ELECTION OF OFFICERS

The 2006 Nominating Committee consisting of Mr. Brotzman, Ms. Hausch and Mr. Siegel nominated the new officers for 2006. Mr. Schaedlich was nominated Chairman, Mr. Brotzman to be Vice-Chairman, and Mr. Webster to be Secretary. Mr. Siegel moved and Ms. Hausch seconded the motion to approve the new officers as presented.

All voted "Aye."

2006 MEETING DATES

Planning Commission members agreed to accept the proposed 2006 meeting dates using the December 19 meeting date. Mr. Adams moved and Mr. Klco seconded the motion to accept the 2006 meeting date schedule.

All voted "Aye."

2006 MEETING TIMES

Planning Commission members agreed to keep the same meeting time of 7:00 p.m. Mr. Adams moved and Ms. Hausch seconded the motion to approve the 2006 meeting time of 7:00 p.m.

All voted "Aye."

PUBLIC COMMENT

There was no public comment

LEGAL REPORT

Ms. Patricia Nocero, Assistant Prosecutor, said there was no legal report.

DIRECTOR'S REPORT

Mr. Webster announced that all board members were invited to the Lake County Economic Development Council's 11th Annual Legislative Breakfast featuring federal and state legislators and Lake County officials on February 27 at the Radisson Hotel.

There will be a Zoning Workshop held on June 16th, 2006 for all zoning and building officials of Ashtabula, Lake, and Geauga counties. Another planning and zoning workshop will be held in Akron on April 7.

On March 21, there will be a Land Use and Zoning Law and Litigation training seminar in Cleveland sponsored by National Business Institute.

ANNOUNCEMENTS

There were no announcements.

SUBDIVISION REVIEW

Painesville Township - Maple View Subdivision, Preliminary Plan, Lots 3

Maple View Subdivision is a planned unit development located north of Route 2 and west of Richmond Street in Painesville Township. This is a three subplot subdivision with two sublots used as commercial retail sites and the third subplot to be a condominium development. A rail road line passes by servicing Morton Salt Company and a lime plant in Grand River. Stipulation 4 states that the developer needs an access permit from the Ohio Department of Transportation because Richmond Road is State Route 283. A property to the east of this subdivision became land-locked when State Route 2 was developed. Painesville Township commented that there should be no connection to adjoining land that is zoned Heavy Industry from S/L-3 Residential Use. Access would be directly through residential dwelling units on a private drive.

Mr. Troy arrived at the meeting.

Proposed Plan Stipulations:

1. Locations of existing railroads and township/city boundaries are not provided. This information shall be provided on improvement plans and/or the final plat. *Article III Section 3(D)(1)(f)*

Proposed Design Stipulations:

1. This development shall show proper projection of principle streets in adjoining land and shall permit access to adjoining property for orderly subdivision of land. *Article IV Section 2(A)(1) and (2)*
2. Cul-de-sac shall have an outside pavement diameter of 100 feet and outside right-of-way diameter of 110 feet. The diameter can be increased up to 120 feet for outside pavement diameter and 130 feet for outside right-of-way at the request of Painesville Township. The developer is proposing a 100-foot outside pavement diameter with an 130-foot outside right-of-way diameter. The pavement of the cul-de-sac shall be increased to 120 feet with permission from Painesville Township or the outside diameter of the right-of-way shall be reduced to 110 feet. *Article IV Section 2(A) (9)*
3. Block length can be broken by railroad tracks. *Article II* The block length between the proposed Rust Road and Richmond Road intersection and the railroad tracks is 180 feet. Minimum block length is 500 feet. *LCPC*
4. This proposed road intersects with State Route 283 and this subdivision shall comply with the Ohio Department of Transportation's access management policy. An access management permit shall be obtained prior to filing the final plat. *LCPC*
 - a. Access management permit required from ODOT (State Route 283). *Painesville Twp.*
5. Change road name. *Painesville Twp.*
6. Meet requirements outlined in Resolution 2005-90. *Painesville Twp.*
7. Hydrant spacing for the commercial section should be 300 ft. *Painesville Twp. Fire Chief*
8. Offsite storm sewer will require a permit from Painesville Township and the Lake County Engineer. Discharge to Tiber Creek shall be within a drainage easement. *L. C. Engineer*

Proposed Technical Stipulations:

1. A Storm Water Pollution Prevention Plan must be prepared for erosion and sediment control. Effective March 1, 2000, an approved Erosion and Sediment Control (ESC) Plan shall be submitted after the approval of the Preliminary Plans and obtained prior to the approval of the Improvement Drawings by the Lake County Planning Commission (Section 5 of the Lake County Erosion and Sediment Control Rules, adopted 12/21/99).

ESC Plan approvals shall be obtained through the Lake County Soil and Water Conservation District. *Art. IV, Sec. 3, E - Art. IV, Sec. 3, F - Art. V, Sec. 4, A - Art. V, Sec. 4, B - Art V, Sec. 4, C*

2. Until plats and plans for the subdivision are approved, properly endorsed and recorded, no improvements such as sidewalks, water supply, storm sewers, sanitary sewerage facilities, gas service, electric service or lighting, grading, paving or surfacing of streets shall hereafter be made by the owner or owners or his or their agent, or by any public service corporation at the request of such owner or owners or his or their agent. *Art. I, Sec 4, B*
3. Any subdivision with a preliminary plan filed after 1/27/04 will be required to provide a three year maintenance bond or surety when the subdivision goes into the maintenance phase. *Article V Section 8(D)*
4. An Erosion and Sediment Control Plan shall be developed and incorporated into the Improvement Drawings for review. *LCSWCD*
5. Ohio EPA NPDES permit for general storm water management and erosion & sediment control shall be obtained prior to the start of construction and copied to the District. *LCSWCD*
6. US Army Corps of Engineers/ Ohio EPA wetland fill permits shall be obtained prior to the start of construction and copied to the District. *LCSWCD*
7. Water line constructed on Rust Road is to be 12" ductile iron water main. *Painesville City Water Dept.*
8. All water work must meet the City of Painesville Water Division specifications. *Painesville City Water Dept.*
9. Construction drawings must show plan and profile. *Painesville City Water Dept.*
10. No water work can begin before final approval by all concerned parties. *Painesville City Water Dept.*
11. Army Corps of Engineers/Ohio EPA wetland fill permit shall be submitted prior to approval. *L. C. Engineer*
12. Final Plat shall make reference to a minimum two Ohio State Plane Coordinates. *L. C. Engineer*
13. Stormwater Management shall conform to LC Standards and Stormwater Management Program. *L. C. Engineer*

14. Pavement Design shall be based on Soil Analysis and AASHTO design parameters. *L. C. Engineer*

Proposed Comments:

1. Water is available for the subdivision. *Painesville City Water Dept.*
2. Mr. Ubanick owes this department a substantial amount of money and has refused to pay. *Sanitary Engineer*
 - a. The Sanitary Engineer has recommended denying the preliminary plan based on this issue. *LCPC*
3. No connection to adjoining land that is zoned Heavy Industry from S/L 3 Residential Use. (Access would be directly through residential dwelling units on a private drive.) Support a variance of Article IV, Section 2(a)(1) and (2). *Painesville Twp.*

Mr. Radachy said staff is recommending approval with one plan stipulation.

The heavy industry area to the east has a landscape storage business located on it. Since there is no access to Richmond Road, the easiest access would be to buy an easement through the landscape business. The only difference between the preliminary plan and the zoning change request is that the detention ponds were moved. The Township may deed restrict some of the uses inside the commercial zone. They are proposing a driveway out to Florence Avenue for the condominium complex. Proposed Comment 2 from the Utilities Department recommended denial of the preliminary plan based on the substantial amount of money that is owed the Utilities Department.

In June of 2005, staff and the Planning Commission made a recommendation to deny the PUD, but Painesville Township decided to enact the PUD. The company is the same but the representative is different. Among the reason for denial was that because the property was so close to Route 2, the property should be zoned for industrial or commercial uses. Mr. Radachy read from the minutes of that meeting, saying that recommendation to deny was based on the proximity to Route 2 and the front parcels were already developed as industrial, hiding commercial units behind the industrial units was not good planning. The 1996 Comprehensive Plan called for this area to be industrial.

Mr. Brotzman moved and Mr. Simon seconded the motion to approve the preliminary Plan for Maple View Subdivision in Painesville Township with 3 lots.

Mr. Schaedlich asked for a roll call vote.

Adams	Yes	Klco	No
Aveni	Yes	Pesec	No
Brotzman	No	Siegel	Yes
Fitzmaurice	No	Simon	Yes
Hausch	No	Smith	Yes

Schaedlich Yes
Motion passed.

LAND USE AND ZONING REVIEW

Concord Township – Proposed District Change from R-4 to R-1 on Parcels 8A-2-9, -10, -18 and -19

The area east of Ravenna Road to the Concord/Leroy Township line is currently zoned R-4 for 1-acre lots. The request is to zone it R-1 which will allow for 22,000 square foot lots. This includes 168 acres of land south of Girdled Road and east of Route 608 and north of Stanford Springs subdivision. The Township did not rezone land that was commercial or Far Hills and Rio Grande Estates Subdivisions because they were served by sanitary sewer. They were platted with lots that were 22,000 square feet. This conformed to the Comprehensive Plan from 1994. This zoning change was brought up from the fact that sanitary sewer is coming to the eastern part of Concord Township which could support one-half acre lots.

The owners of the property currently have an approved preliminary plan with 148 sublots on the site. Using a general formula, staff estimates that the applicant would be able to get 265 lots on this site. Staff and the Land Use and Zoning Committee recommended that the zoning request be denied because it does not conform to the 2004 Comprehensive Plan.

Matt Scharver, of the Soil and Water Conservation District, said there is an unnamed tributary of Jordon Creek flowing through the property and if the zoning is changed from R-4 to R-1 there would need to be some reconfiguration of the plan. There are wetlands and the stream which runs north through Summerwood Phase II.

Sanitary sewer runs from the Ravenna Road pump station through Noble Ridge, Woodcrest, Cali Woods, on to Girdled Road into Summerwood. The applicant is hoping to pick up the sanitary sewer line.

Mr. Siegel said we already approved of one-acre lots and now they want to cut it in half.

Mr. Schaedlich said he had an issue that, if the Township were to rezone on this request, they would be getting requests for just about everything east of Ravenna Road.

Mr. Troy moved that we accept the recommendation of the Land Use and Zoning Committee to not recommend approval of the proposed district change from R-4 to R-1 on Parcels 8A-2-9, -10, -18 and -19.

All voted “Aye.”

Painesville Township – Proposed District Change from I-1 to R-2 on Parcel 11-B-66L-56

The Comprehensive Plan of 1996 states that this site should be residential. The co-applicants purchased property from Kovach Enterprises to enlarge their residential parcels. The owners of the sublots on Meadowlark Road wish to add additional acreage to their parcels. There are currently homes on each one of the sublots along Meadowlark. If the zoning stays the same, these lots would have split zoning on them.

The lots along Meadowlark are zoned R-2. The lots on Granger are zoned R-1. Under the proposed zoning of R-2, the applicant could lot split the site into three lots if they improve the road. The owner can also lot split a fourth lot with a variance for frontage. There is 60 feet of frontage on Meadowlark Road. The applicant can also do a major subdivision of 7 to 10 sublots on the site should they decide to build a new road through the 60-foot frontage on Meadowlark.

Granger Road is a platted but unimproved street. Currently, there is a driveway in the right-of-way that is maintained by the two houses on Granger Road. The Township should consider having the owner open the right-of-way before allowing any new units on the site. Staff and the Land Use and Zoning Committee recommended approval because it conforms to the Comprehensive Plan.

Mr. Adams moved and Mr. Siegel seconded the motion to accept the recommendation of the Land Use and Zoning Committee to approve the Proposed District Change from I-1 to R-2 on Parcel 11-B-66L-56.

Eleven voted "Aye."
Mr. Aveni abstained

Painesville Township - Proposed Text Amendment to Section XXIV, Commercial B-3

This amendment would allow a child day care center in the B-3 district and defines day care center. This is a proper use for the B-3 district. Staff recommends that Section 24.13 B. a., Rules Governing Adult Oriented Business, be amended to read: "The proposed business is located more than one thousand feet from a church, a public or private school, public park or play ground, **child day care center**, or any social service facility, fairgrounds, or neighborhood center". This would be grandfathered.

Mr. Adams moved and Mr. Fitzmaurice seconded the motion to accept the recommendation of the Land Use and Zoning Committee and recommend approval of the Proposed Text Amendment to Section XXIV, Commercial B-3 and include staff's comments of the relationship of those businesses to child day care centers.

All voted "Aye."

Perry Township – Proposed Text Amendments to Sections 307-PUD; 307.04(b) (f) (h); and 317.01

Mr. Radachy said that Perry Township proposed these text changes:

Section	Change	
307.04 a	Lowering the density of the PUD district from 4 units per acre and 6 units per acre in the Lake Shore Residential to 2 units per acre.	Staff recommends approval of lowering density to 4 units per acre for all PUD's. One of Perry Township's goals in the 2003 Comprehensive Plan is protection of the Lake Erie Shoreline. Staff does not recommend lowering the density to 2 units per acre and suggests 3 units per acre. PUDs are meant to be a mixed-use development of multi-family and single-family uses.
307.04 b	Increasing open space requirements from 20% to 40% of the total land area.	One of the goals of the 2003 Perry Township Comprehensive Plan is to preserve open space. The increase in open space percentage will accomplish this goal. Without standards for open space (minimum size, width, location, access), this may create low quality open space, extensions of backyards, etc. Staff suggests that standards be created.
307.04 f	Increasing the minimum floor area of attached single-family dwellings from 800 SF to 1200 SF	Okay.
307.04 h	Increasing the minimum setback from an existing right-of-way from 50 feet to 100 feet.	Do not change. 50 feet is the required setback for R-1, ER-1,2, and 3. Keeping it at 50 feet would keep everything in line along an existing road.
317.01	Changing to the reference in the I-3 permitted uses from I-1 1-81 to I-1 1-79. There are only 79 permitted used in I-1.	Okay.

The Land Use and Zoning Committee stated that the Perry Township Zoning Commission is unhappy with the style and quality of the Planned Unit Developments that they have been seeing. They would like to see PUD's more clustered and have greater amounts of open space.

Mr. Troy moved and Mr. Smith seconded the motion to accept the Land Use and Zoning Committee's recommendation of the text changes with staff's recommendations of 3 units per acre, open space standards should be developed, and keeping the setback off an existing road at 50 feet.

Mr. Brotzman took exception to the recommendation of keeping the setback at 50 feet and recommended 100 feet.

Mr. Troy withdrew his previous motion and moved that the Planning Commission accept two staff recommendations, one being three units per acre and the other being that open space standards should be developed. Mr. Brotzman seconded the motion.

Eleven voted “Aye.”

Mr. Aveni and Mr. Schaedlich abstained.

Mr. Brotzman moved to accept the recommendation of Perry Township for Section 307.04 to increase the minimum setback for an existing right-of-way from 50 feet to 100 feet. Mr. Siegel seconded the motion.

Ten Voted “Aye.”

Mr. Aveni and Mr. Schaedlich abstained.

REPORTS OF SPECIAL COMMITTEES

Lake County Coastal Plan Committee

Mr. Webster brought the Planning Commission up to date on the Coastal Plan Committee. Mr. Boyd had a meeting with Congressman LaTourette, who was very supportive of the project, and concluded the following points:

- Regional framework must be developed to manage and fund projects on a long term basis including the Lost Nation Airport. A regional port authority was favored by most of the communities.
- Funding sources are being sought to complete the economic analysis. Federal funding sources require a local match of 25-35%.
- Federal funding application needs to be completed through Congressman LaTourette. Grants seek matching funds in lieu of in-kind services.
- Subcommittee will be seeking support letters from the communities.
- A shortfall of \$12,000 must be met to complete payment of the services from Kent State University.

Mr. Troy said that the Commissioners were aware that we were very successful in getting funding on the first go-around. He would like to see the continued diversification of funding requests to meet the shortfall.

CORRESPONDENCE

Planning Commission Bylaws Amendment Review

Mr. Webster directed attention to a memo from the Assistant Prosecutor saying that the Planning Commission Bylaws do not need to be amended in order for the Commission to appoint an Acting Director.

OLD BUSINESS

Subdivision Regulation – Review Article III

Mr. Webster directed attention to Revised Article I and Revised Article III. The Section 6A2, referring to the requirement to send any applications for subdivisions along a state highway to Ohio Department of Transportation District 12, has recently brought concern of access management. Last month, the ODOT representative presented the access management

requirements in a workshop with township officials. There is a discrepancy in subdivision review times with their requirement being 120 days and ours is 35 calendar days.

Mr. Radachy added that there is a proposal under General Provisions, Section G(J), with regards to ODOT saying, “that all subdivisions proposing an intersection with a state or federal highway shall comply with ODOT standards and the applicant shall obtain an ODOT access management permit prior to filing the final plat.” The previously reviewed subdivision would have had the access permit stipulated. We would not get the final plat until that was done.

Mr. Radachy said that all corners of the subdivision and lots must be pinned and it was traditional for developers to do this. We are now requiring that all pins be put in place by one surveyor before the plat is filed. We are also requiring that monuments be installed either prior to the plat being filed or prior to the construction surety being released.

Mr. Webster asked the Commission to review the submitted sample definition of “Original Tract”. It needs to be done before April of 2007, because, if we don’t devise our own definition, we will have to assume the state’s definition. Anything above 5.01 acres is exempt from splits. With the new law, we can enforce zoning between 5 and 20 acres.

Mr. Schaedlich asked for volunteers to head a committee to define “original tract”. Mr. Schaedlich, Ms. Pesec, and Mr. Fitzmaurice volunteered.

Staff reviewed the comments of the Planning Commission pertaining to the new Subdivision Regulations.

Mr. Aveni moved and Adams seconded the motion to schedule a public hearing prior to the next Planning Commission meeting, on March 28, 2006, to approve the changes to Article I and Article III, and add a definition of “original tract” to Article II of the Lake County Subdivision Regulations.

All Voted “Aye”.

NEW BUSINESS

Concord Township Auburn-Crile Road Business Corridor

Mr. Webster reported that staff is meeting with concerned parties to develop a study about the Concord Township Auburn Road and Crile Road business corridor with regard to zoning. The County Engineer has also proposed a traffic and road alignment study on the State Route 44 and I90 intersection in an attempt to alleviate traffic issues that the new hospital will bring. The Engineer is applying for a \$75,000 Transportation for Livable Communities grant to do this.

Mr. Troy expressed concern about paying for these studies saying that impact fees should have been paid by concerned parties moving into Concord. He anticipated that one of the conclusions will be to run Fredle Drive out to Route 44 rather than Crile Road in addition to the problem of emergency vehicles exiting off the freeway. He was concerned that there were overlapping studies and was assured that these studies covered different aspects of development.

Ms. Hausch moved and Mr. Adams seconded the motion to approve the Planning Commission staff to do the Auburn-Crile Road Business Corridor study.

All voted "Aye."

ADJOURNMENT

Mr. Simon moved and Mr. Adams seconded the motion to adjourn the meeting.

All voted "Aye."

The meeting adjourned at 8:56 p.m.

Russell D. Schaedlich, Chairman

Darrell C. Webster, Director/Secretary